



CITY OF DUBLIN

Office of the City Manager
5200 Emerald Parkway, Dublin, Ohio 43017
Phone: 614-410-4400

Memo

To: Members of Dublin City Council
From: Terry Foegler, City Manager *TFF*
Date: February 18, 2010

Initiated By: Michelle L. Crandall, Director of Administrative Services

Re: Magistrate Services Request for Proposal and Communication Information

Summary

In response to Council's requests during the January 25 Council meeting, attached are the following items:

- Request for Proposal (RFP) for Magistrate services, including an applicant information form.
- Communication pieces, including a draft media release, an issue background and messaging plan, and a revised Mayor's Court brochure.

Recommendation

Staff recommends that Council advertise and interview for selection of a primary Magistrate and secondary Magistrates using the attached Request for Proposal and the following process and timeframes.

The City of Dublin's Revised Charter, Section 3.04(a)(4), empowers the Mayor to appoint a magistrate, subject to the approval of Council. The following process proposes that applications be reviewed and interviews be conducted by the Administrative Committee of Council, and that this committee recommend a primary Magistrate candidate and secondary Magistrate candidates to the Mayor for submission to Council. Final approval would be by Resolution of Council, authorizing the City Manager to enter into contracts with preferred primary and secondary Magistrates.

Action	Date
Advertise the Request for Proposals	Friday, February 26, 2010
Proposal submission deadline	Friday, March 12, 2010
Review of proposals and selection of preferred candidates by the Administrative Committee of Council	Week of March 15 or 22
Interviews of selected candidates by Administrative Committee of Council and recommendations to the Mayor of preferred primary and secondary Magistrates.	Week of March 29
Offer made to preferred primary Magistrate candidate	Week of April 5
Offers made to secondary Magistrates candidates	Week of April 12
Council Resolution authorizing the City Manager to enter into a contract with selected primary and secondary Magistrates	April 26, 2010

Memo re. Magistrate Services RFP and Communication Information

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Staff is seeking input and direction from Council regarding the attached Request for Proposal and the above-outlined selection process and timeline.

Should you have questions related to this memorandum and/or the attached information, please contact Michelle Crandall at 614-410-4403 or 614-206-4886.



City of Dublin Request for Proposals Court Magistrate – Dublin Mayor’s Court

The City of Dublin seeks proposals from qualified individuals to be appointed as Magistrate for the Dublin Mayor’s Court.

Deadline for submission of all proposals: **Friday, March 12, 2010 by 5:00 p.m.**

Proposals can be e-mailed, mailed or delivered to the City of Dublin Clerk of Council at the following addresses.

Mailing Address: Anne Clarke, Clerk of Council
City of Dublin Municipal Building
5200 Emerald Parkway
Dublin, Ohio 43017
614.410.4436

E-mail Address: aclarke@dublin.oh.us

Duties

The Magistrate will preside over the City of Dublin Mayor’s Court proceedings, to hear and determine all prosecutions and criminal cases in Dublin Mayor’s Court that are within the jurisdiction of the Mayor’s Court, as established by Ohio law. Additionally, the Magistrate will fulfill such ancillary duties as would reasonably be considered necessary for the effective function of the court, including but not limited to prisoner hearings and other proceedings and administrative tasks of a Magistrate.

The Magistrate shall be an independent contractor of the City of Dublin and he/she shall exercise his/her independent judgment and discretion in hearing and determining all prosecutions and criminal cases in Dublin Mayor’s Court. Judgments entered and sentences imposed by the Magistrate shall not be reviewed or approved by the Mayor or any other Member of Council.

The Magistrate may not assign, transfer, subcontract or sublicense any of his/her duties.

Qualifications

As required by Ohio Revised Code Section 1905.05(A), “No person shall be appointed as a mayor’s court magistrate unless the person has been admitted to the practice of law in this state and, for a total of at least three years preceding the person’s appointment or the commencement of the person’s service as magistrate, has been engaged in the practice of law in this state or served as a judge of a court of record in any jurisdiction in the United States, or both.”

In addition to the above-noted qualifications required by state law, preference will be given to those with previous experience serving as a municipal or county judge or magistrate and/or other court experience involving violations of municipal or county ordinances.

Requirements

The Magistrate must:

- Maintain at all times all the requirements necessary to serve as a magistrate, including, but not limited to maintaining a Magistrate's licensure and fulfilling all educational requirements. The Magistrate shall be responsible for all expenses associated with maintaining such requirements.
- Remain current with understanding of applicable state laws, local ordinances, Supreme Court of Ohio's Mayor's Court Education and Procedures Rules <http://www.supremecourt.ohio.gov/LegalResources/Rules/mayor/mayors.pdf>, and the City of Dublin Court Rules (<http://www.dublin.oh.us/court/rules.php>).

Days/Hours of Work

Dublin Mayor's Court is typically held each Tuesday evening, with an average of forty-five to forty-six court sessions/year. Court session duties for the magistrate begin at 5:30 p.m. and generally last for 1.5 hours. In addition to court sessions, the Magistrate would need to be available each Monday and Friday for prisoner hearings. Attendance at prisoner hearings only would be required in instances where a prisoner was present. City staff would contact the Magistrate each Monday and Friday morning to inform him/her of the need for a prisoner hearing. The City of Dublin only would pay the Magistrate for actual time spent presiding over a prisoner hearing. On average, Dublin Mayor's Court holds between twenty-five to twenty-seven prisoner hearings each year. An established time for such prisoner hearings on Monday and Friday would be mutually agreed upon between the selected Magistrate and the City.

Selection Process

All proposals received by the March 12, 2010 deadline will be reviewed by the Administrative Committee of Council. Based upon the Committee's review of these proposals, the most qualified individuals would then be selected to participate in an interview process. Following such interviews, the Committee will recommend to the Mayor a preferred candidate for appointment as a primary Magistrate and preferred candidates as secondary (back-up) Magistrates. Final selections would be based upon a combination of candidate qualifications, previous experience, reference feedback, availability to fulfill the duties of Magistrate and cost for services proposal.

Selection of Secondary Magistrates

Secondary or back-up Magistrates will also be selected from the proposed candidates. In cases in which the primary Magistrate is unavailable for Mayor's Court sessions or prisoner hearings, a secondary Magistrate will be contacted to fulfill such duties.

Appointment

The Mayor is empowered, pursuant to Section 3.04(a)(4) of the Dublin Charter, to appoint a magistrate, subject to the approval of Council. Once a preferred candidate is selected to serve as the primary Magistrate and preferred candidates are selected to serve as secondary Magistrates, a resolution ratifying the appointments would be presented to City Council for approval. Such resolution would authorize the City Manager to execute contracts with the selected candidates.

Proposal Submission Requirements

All submitted proposals must include the following:

- Applicant information form, including three (3) professional references (attached)
- Applicant's Resume
- Cost of services proposal, which will include:
 - a proposed fee (hourly or flat) for each court session held, and
 - a proposed fee (hourly or flat) for each prisoner hearing held

Inquiries

All questions and comments regarding this Request for Proposals should be directed to:

Michelle Crandall, Director of Administrative Services
mcrandall@dublin.oh.us
614.410.4403 (office)
614.206.4886 (mobile)



**City of Dublin - Mayor's Court Magistrate
Request for Proposals
Applicant Information Form**

Name: _____

Address: _____

City, State, Zip: _____

E-mail Address: _____

Phone Number: _____

Ohio Supreme Court Attorney Registration Number: _____

Are you interested in serving as a:

_____ Primary Magistrate

_____ Secondary Magistrate (back-up when primary not available)

_____ Primary or Secondary Magistrate

Background/Qualifications: _____

Current/Previous Related Experience:

Education/Training:

Professional References (name, title, phone number):

FOR IMMEDIATE RELEASE

February ____, 2010

Contact: David Ball
Public Information Officer
614-410-4508 (office)

Magistrates to hear City of Dublin Mayor's Court cases

Dublin (OH) — In January, City Council voted to use a Magistrate to hear all cases in Mayor's Court and attend prisoner hearings.

A Magistrate in Mayor's Court is not new. Based on the City Charter, use of a Magistrate is an option when the Mayor and Vice-Mayor are unavailable for court sessions or prisoner hearings. In 2009, Magistrates presided over the court sessions approximately 35 percent of the time at a cost of approximately \$6,000.

The City will issue a Request for Proposals and accept proposals for this court service in the coming months. Until that process is complete, current Magistrates Mike Close and Kelleen Roth will continue serving in that role.

There are benefits to using a magistrate. Magistrates are licensed attorneys with a broad understanding of changing laws and criminal procedures.

Having one primary individual hear all court cases also helps communities establish more consistency in decision-making and promotes objectivity.

A Magistrate also helps ensure consistency for incidents that occur in all three counties into which the City of Dublin boundaries extend.

In central Ohio in 2009, only Dublin, New Albany and Grandview Heights split the responsibility between Magistrates and a Mayor. Other communities use only a Magistrate.

The projected cost for contracting with a Magistrate is approximately \$22,000 per year. On average, the court meets 46 times each year for court sessions. Additionally, the court holds an average 25 prisoner hearings per year.



ISSUE BACKGROUND & MESSAGING

Magistrates to oversee Mayor's Court

February ____, 2010

David Ball, Senior PIO

SUMMARY

In January, City Council voted to use a Magistrate to hear cases in Mayor's Court rather than have that role served by the Mayor and Vice-Mayor. The City will be preparing a request for proposals and accepting such proposals for the service in the coming months. Until that process is complete, the two current magistrates (Mike Close and Kelleen Roth) will continue serving in that role.

The City of Dublin's Charter has always allowed for magistrates in Mayor's Court. They have been used for the past two years.

BRIEFING/MESSAGES

A Magistrate in Mayor's Court is not new. Based on the City Charter, they have always been an option when the Mayor and Vice-Mayor are unavailable for prisoner hearings or court sessions. In 2009, Magistrates presided over the court approximately 35 percent of the days court was in session.

The benefits of this change are that Magistrates are licensed attorneys with a broad understanding of changing laws and criminal procedures. Having one primary individual hear all court cases promotes consistency in decision-making and objectivity.

In central Ohio in 2009, only Dublin, New Albany and Grandview Heights split the responsibility between Magistrates and a Mayor. Other communities use only a magistrate.

The projected cost for contracting with a Magistrate is approximately \$22,000 per year, based on a cost of \$250 per hour (\$250/hr x 1.5 hours x 46 court dates, plus \$150 per hour for prisoner hearings). On average, the court meets 46 times each year for court sessions. Additionally, the court holds an average 25 prisoner hearings per year. In 2009, the City spent approximately \$6,000 on magistrates.

MEDIA & COMMUNICATIONS

Media release (attached)	News, Villager, Dispatch Currently being reviewed To be released upon approval Written by CR staff
Villager Column	March 4 Written by CR staff
IHID segment	March 16 edition
City's Web site	Information being reviewed To be posted upon approval Written by CR staff
Brochure (attached)	Mayor's Court Brochure updated Draft being reviewed Brochure will be redesigned after branding process Designed by CR staff

Court Hearing Process

When defendants appear for court, they are required to enter a plea and sign a form that includes an explanation of their basic rights.

Depending on the nature of the offense, if the defendant wishes to plead guilty, they may have the opportunity to pay the fine prior to the hearing.

If the defendant wishes to plead not guilty or no contest, an appearance in front of the Magistrate is required. When the case is called, the defendants should go to the podium in front of the Magistrate. At that time, the Magistrate will ask for a plea and listen to both the Prosecutor's side of the case and the defendant's side of the case.

Based upon the information provided, the Magistrate will make a finding in the case and sentence the defendant.

Depending on the outcome of the case, the defendant will then proceed to the court window to pay any fines and/or costs, provide proof of insurance, obtain driving privileges, etc. Defendants placed on probation also meet with the Criminal Justice Officer.

Maximum Penalties

(Does not include Court Costs)

<u>Classification</u>	<u>Max. Jail Time</u>	<u>Max. Fine</u>
1st degree-M1	180 days	\$1,000.00
2nd degree-M2	90 days	\$750.00
3rd degree-M3	60 days	\$500.00
4th degree-M4	30 days	\$250.00
Minor Mis.-MM	No days	\$150.00

Dublin City Council

At-Large Council Members
 Marilee Chinnici-Zuercher
 Richard S. Gerber
 Michael H. Keenan

Ward Council Members
 Cathy A. Boring (Ward 1)
 Vice Mayor Amy J. Salay (Ward 2)
 John G. Reiner (Ward 3)
 Mayor Timothy A. Lecklider (Ward 4)

City Manager
 Terry Foegler

Mayor's Court Programs & Personnel



CITY OF DUBLIN.
 Division of Court
 Services
 6565 Commerce
 Parkway
 Dublin, OH 43017-3221
 Phone: 614-410-4920
 Fax: 614-761-6598
www.dublin.oh.us

Available in Alternate Formats
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CITY OF DUBLIN.
Court Services

Court Programs

Court Sessions

Mayor's Court for the City of Dublin is held every Tuesday at 5:30 p.m. If you are issued a citation, it will tell you the date and time of the Court hearing. If the citation is payable, and you wish to plead guilty, you may pay by money order, check, credit card or cash, either in person or via mail. Please do not send cash in the mail. Credit card payments may be made by phone. Payments may be made Monday through Friday 7:30 a.m. to 4:30 p.m., except Tuesday (8 a.m. to 5 p.m.). If you have any questions about a citation, call 410-4920.

Adult Diversion

The Diversion Program is offered as an alternative to Court, which allows first time offenders the opportunity to correct their behavior and repay the community without being convicted. There is a fee associated with participating in Diversion.

Juvenile Diversion

This program offers the same advantages as the adult program to juvenile offenders. One of the main components of this program is the use of community service. It is also voluntary and eligibility is determined by the Police Division and the Diversion Officer. There is no fee for the juvenile program.

Adult Probation

The main goal of this program is to provide supervision, guidance, and support to offenders in order to prevent future contact with the legal system. Defendants are placed on probation by the Court and are monitored by a Criminal Justice Officer who regularly meets with them to monitor their progress and provide support through referrals within the community.

Community Service

The City of Dublin has a very active community service program. It is a voluntary program and is usually used as a condition of Diversion as well as an alternative to higher fines and costs. The offenders are matched to a governmental or non-profit agency close to their home. The purpose of the program is to have the offender give something back to the community for the time and effort spent due to the offense.

ThinkFirst Presentation

This upbeat program educates people about personal vulnerability and risk taking. The message is that you can have a fun-filled, exciting life, without hurting yourself if you "ThinkFirst" and use your mind to protect your body. It is designed for individuals that have been involved in high-risk behaviors such as drinking and driving and underage possession or consumption of alcohol. This program is presented monthly and is free of charge.

Court Personnel

The Magistrate — Hears misdemeanor cases cited under local ordinance.

The Prosecutor — An attorney who represents the City. The Prosecutor determines if there is enough evidence to go to trial and conducts all pre-trial hearings.

Court Administrator — Administers all court operations and coordinates issues between the Police, the Prosecutors, and the Court.

The Bailiff — Processes the cases in the computer during Court and ensures that all court entries are properly stated and include enforcement dates.

The Court Clerk — Handles all of the court documents and money paid to the Court for fines and costs. The Clerk processes all warrants, summons, subpoenas, jury demands, continuances, and motions. The Clerk also notifies the Bureau of Motor Vehicles of all convictions, points and suspensions.

Criminal Justice Officer — Responsible for monitoring cases assigned to probation to ensure the Court orders are enforced, conducting all pre-sentence investigations, and the sealing of records for the Court. Also responsible for monitoring all adult and juvenile cases assigned to Diversion and to the Community Service Program.